

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SUNG KOOK (BILL) HWANG and PATRICK  
HALLIGAN,

Defendants.

No. 22-cr-240 (AKH)

**DECLARATION OF MARY E. MULLIGAN IN SUPPORT OF  
PATRICK HALLIGAN’S MOTIONS *IN LIMINE***

1. I am a member of the bar of this Court and a member of Friedman Kaplan Seiler Adelman & Robbins LLP, counsel to defendant Patrick Halligan. I submit this declaration to make part of the record certain documents related to Mr. Halligan’s motions *in limine*. The statements in this declaration are based on my personal knowledge.

2. To the best of my knowledge, information, and belief, the exhibits to this declaration are true and correct copies of the following documents. For the convenience of the Court, certain exhibits have been excerpted to include only the portions that counsel believe are relevant to Mr. Halligan’s motions *in limine*; Mr. Halligan is prepared to provide complete copies of any exhibits requested by the Court.

3. Exhibit A is a copy of the government’s letter to defense counsel dated December 12, 2023 (the “404(b) notice”). Portions of the 404(b) notice that are not addressed by Mr. Halligan’s motions have been redacted.

4. Exhibit B is a copy of the Amended Complaint filed in *SEC v. Sung Kook (Bill) Hwang, et al.*, No. 1:22-cv-3402 (JPO), ECF No. 47 (filed August 26, 2022).

5. Exhibit C1 is a copy of a letter sent on December 19, 2023 by Mary E. Mulligan to the government regarding the 404(b) notice.

6. Exhibit C2 is a copy of a letter sent on March 20, 2024 by the government to Mr. Halligan's counsel in response to Exhibit C1.

7. Exhibit C3 is a copy of an email exchange dated March 20, 2024 between Matthew Podolsky and Timothy Haggerty.

8. Exhibit D is a copy of a document dated October 2018 and titled Wells Fargo Wholesale Counterparty Credit Risk Credit Review, produced by the government at Bates Number SDNY\_P001\_0006976918 and identified on the government's exhibit list as GX-2302.

9. Exhibit E is an excerpt from the FBI 302 of the December 15, 2023 interview of Shuyi Xu produced to defense counsel as 3500 material, and found at 3584-001, at p. 4.

10. Exhibit F is an excerpt from the FBI 302 of the August 3, 2021 interview of Scott Becker produced to defense counsel as 3500 material, and found at 3501-001, at p. 4.

11. Exhibit G is an excerpt of handwritten notes of the August 3, 2021 interview of Scott Becker produced to defense counsel as 3500 material, and found at 3501-002, at p. 9.

12. Exhibit H is a copy of a Mitsubishi UFJ Financial Group (MUFG) trade confirmation produced by the government at Bates Number SDNY\_P001\_0005233871 and identified on the government's exhibit list as GX-1903.

13. Exhibit I is an excerpt from the FBI 302 of the December 20, 2021 interview of Scott Becker produced to defense counsel as 3500 material, and found at 3501-021, at pp. 6-7.

14. Exhibit J is an excerpt from the FBI 302 of the April 15, 2022 interview of Scott Becker produced to defense counsel as 3500 material, and found at 3501-050, at pp. 5-6.

15. Exhibit K is an excerpt from the FBI 302 of the April 12, 2022 interview of Jesse Martz produced to defense counsel as 3500 material, and found at 3542-003, at pp. 5-6.

16. Exhibit L is a copy of an email chain dated April 7, 2020, which was produced by the government at Bates Number SDNY\_P002\_0000109126 and identified on the government's exhibit list as GX-204.

17. Exhibit M is an excerpt from a copy of the ISDA Master Agreement and Schedule between Goldman Sachs International, dated December 6, 2013, produced by the government at Bates Number SDNY\_P001\_0004949341 and identified on the government's exhibit list as GX-311. The excerpt bears Bates Number SDNY\_P001\_0004949363-64 and we have highlighted references to the obligation to deliver monthly net asset value and performance data in yellow.

18. Exhibit N is an excerpt of Archegos Capital Management, LP's July 30, 2018 Operations Compliance Manual and Code of Ethics, produced by the government at Bates Number SDNY\_P001\_0000030541 and identified on the government's exhibit list as GX-269. The excerpt bears Bates Number SDNY\_P001\_0000030570-72 and we have highlighted references to "wash sales" in yellow.

19. Exhibit O is an excerpt from "Supplemental Expert Disclosure – Professor Amit Seru" dated January 31, 2024, produced by the government, and found at p. 2, ¶ 5.

20. Exhibit P is a copy of an email chain dated April 9, 2020, which was produced by the government at Bates Number SDNY\_SWR\_0000382882 and identified on the government's exhibit list as GX-102.

21. Exhibit Q is an excerpt from the FBI 302 of the August 12, 2021 interview of Nastassia Locasto produced to defense counsel as 3500 material, and found at 3538-002, at p. 9.

22. Exhibit R is a copy of a plea agreement dated August 27, 2012 and produced by the government at Bates Number SDNY\_002\_00000336 and identified on the government's exhibit list as GX-2703.

23. Exhibit S is a copy of a criminal Information filed on December 12, 2012 in the case captioned *United States v. Tiger Asia Management, LLC*, No. 2:12-cr-00808-SRC (D.N.J.), produced by the government at Bates Number SDNY\_P015\_0000000032 and identified on the government's exhibit list as GX-2704.

24. Exhibit T is a copy of a transcript of the December 12, 2012 proceedings in the case captioned *United States v. Tiger Asia Management, LLC*, No. 2:12-cr-00808-SRC (D.N.J.), in which Tiger Asia Management LLC pleaded guilty to a one-count information, produced by the government at Bates Number SDNY\_P015\_0000000001 and identified on the government's exhibit list as GX-2701.

25. Exhibit U is a copy of a judgment filed on December 12, 2012 in the case captioned *United States v. Tiger Asia Management, LLC*, No. 2:12-cr-00808-SRC (D.N.J.), produced by the government at Bates Number SDNY\_P015\_0000000042 and identified on the government's exhibit list as GX-2705.

26. Exhibit V is a copy of an email chain dated December 28, 2008, which was produced by the government at Bates Number SDNY\_P021\_0000000001 and identified on the government's exhibit list as GX-2751.

27. Exhibit W is a copy of an email dated December 30, 2008, which was produced by the government at Bates Number SDNY\_P021\_0000000002 and identified on the government's exhibit list as GX-2752.

28. Exhibit X is a copy of an email chain dated January 5, 2009, which was produced by the government at Bates Number SDNY\_P021\_0000000003 and identified on the government's exhibit list as GX-2753.

29. Exhibit Y is a copy of an email dated January 6, 2009, which was produced by the government at Bates Number SDNY\_P021\_0000000004 and identified on the government's exhibit list as GX-2754.

30. Exhibit Z is a copy of an email dated January 6, 2009, which was produced by the government at Bates Number SDNY\_P021\_0000000005 and identified on the government's exhibit list as GX-2755.

31. Exhibit AA is a copy of an email dated January 7, 2009, which was produced by the government at Bates Number SDNY\_P021\_0000000006 and identified on the government's exhibit list as GX-2756.

32. Exhibit BB is a copy of an email chain dated January 13, 2009, which was produced by the government at Bates Number SDNY\_P021\_0000000007 and identified on the government's exhibit list as GX-2757.

33. Exhibit CC is a copy of a Complaint filed on December 12, 2012 in the case captioned *Securities and Exchange Commission v. Tiger Asia Management, LLC, et al.*, No. 2:12-cv-07601-DMC-MF (D.N.J.).

34. Exhibit DD is a copy of a Final Judgment as to Defendant Sung Kook Hwang filed on December 14, 2012 in the case captioned *Securities and Exchange Commission v. Tiger Asia Management, LLC, et al.*, No. 2:12-cv-07601-DMC-MF (D.N.J.).

35. Exhibit EE is a copy of a Securities and Exchange Commission Order Instituting Administrative Proceedings dated January 22, 2013 in the case captioned *In the Matter of Sung Kook Hwang, Respondent*, produced by the government at Bates Number SDNY\_002\_00000333 and identified on the government's exhibit list as GX-2702.

36. Exhibit FF is a copy of a document dated October 7, 2014, titled "The Report of the Market Misconduct Tribunal into dealings in the shares of Bank of China Limited and China Construction Bank Corporation on and between 19 December 2008 to 13 January 2009," and issued by the Market Misconduct Tribunal of Hong Kong. It was produced by the government at Bates Number SDNY\_P030\_0000000005 and identified on the government's exhibit list as GX-2706.

37. Exhibit GG is a copy of a document dated December 13, 2012, titled "Recommendation for Administrative Monetary Penalty Payment Order for Market Manipulation of the Shares of Yahoo Japan Corporation," and issued by Japan's Securities and Exchange Surveillance Commission. It was produced by the government at Bates Number SDNY\_P030\_00000000078 and identified on the government's exhibit list as GX-2707.

38. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 21, 2024

s/ Mary E. Mulligan  
Mary E. Mulligan